Cumulative Table of Cases Connecticut Appellate Reports Volume 178

(Replaces Prior Cumulative Table)

Beck & Beck, LLC v. Costello	112
Action to recover unpaid legal fees; whether trial court properly dismissed amended counterclaims and cross claims on ground that defendant lacked standing to bring them where counterclaims and cross claims existed prior to date on which defendant filed bankruptcy petition and defendant failed to list them on schedule of personal property in bankruptcy proceeding; whether trial court properly concluded that bankruptcy estate owned amended counterclaims and cross claims; whether bankruptcy trustee abandoned amended counterclaims and cross claims.	
Carmon v . Commissioner of Correction	356
Habeas corpus; whether habeas court improperly concluded that petitioner was not denied due process as result of state's failure to turn over to his criminal trial counsel allegedly exculpatory evidence that consisted of fingerprint analysis report; whether fingerprint analysis report constituted material, exculpatory evidence under Brady v. Maryland (373 U.S. 83); claim that habeas court improperly concluded that petitioner failed to prove that criminal trial counsel and prior habeas counsel provided ineffective assistance by failing to investigate or to present fingerprint analysis report; whether petitioner could establish that he	
was prejudiced by alleged deficiency of counsel; whether habeas court properly	
determined that petitioner failed to establish claim of actual innocence; claim that fingerprint analysis report was newly discovered evidence.	
Crocker v. Commissioner of Correction	191
Habeas corpus; mootness; claim that incarcerated petitioner's placement in adminis-	191
trative segregation following fight with another inmate was illegal under terms	
of certain administrative directives of Department of Correction; whether appeal	
was moot; whether this court could afford petitioner any practical relief when,	
during pendency of appeal, petitioner was released from administrative segrega-	
tion and transferred to out-of-state correctional facility, and petitioner's sole	
claim for habeas relief was to be released from administrative segregation.	
Cuozzo v. Orange	647
Personal injury; claim that municipal defendants were liable under municipal	
liability statute (§ 52-557n) for injuries and damages plaintiff sustained when his vehicle struck pothole in private driveway; whether trial court properly granted defendants' motions for summary judgment on ground that there was no genuine	
issue of material fact as to whether pothole was located in private driveway.	
Cusano v. Lajoie	605
Negligence; personal injury; whether trial court abused its discretion in granting	000
motion for additur; whether jury's award of medical expenses required it to find	
that plaintiff suffered compensable pain throughout period of medical treatment;	
failure of trial court to identify any part of record that supported its reasoning	
or to provide any explanation for amount of additur; whether jury reasonably	
could have determined that plaintiff had not proven any noneconomic damages	
for pain and suffering, or damages for lost wages.	
Dixon v . East Coast Music Mall (Memorandum Decision)	901
Frauenglass & Associates, LLC v . Enagbare	35
Contracts; action to recover unpaid legal fees; whether claims regarding attorney's	
fees charged by plaintiff in underlying dissolution proceeding constituted	
improper collateral attack on underlying judgment; reviewability of claim of newly discovered evidence of fraudulent conduct by plaintiff, failure to file motion	
to open underlying judgment on basis of fraud; reviewability of claim made for first time on appeal.	
GMAC Mortgage, LLC v. Ford	287
Foreclosure; standing; claim that trial court erred in granting substitute plaintiff's	201
motion to open judgment of strict foreclosure for purpose of setting new law	
days and denying named defendant's motion to open judgment; whether named defendant's purported rescission of subject loan was effective under Truth in	

Lending Act (15 U.S.C. § 1601 et seq.); whether Jesinoski v. Countrywide Home Loans, Inc. (135 S. Ct. 709) was applicable to facts of case; claim that substitute plaintiff lacked standing to maintain action.	
Geci v. Boor	585
Gomez v . Commissioner of Correction	519
Habeas corpus; claim that petitioner's due process rights were violated by state's suppression of material exculpatory evidence in violation of Brady v. Maryland (373 U.S. 83) when state failed to disclose certain consideration that allegedly had been offered in exchange for the testimony of two witnesses; whether habeas court's finding that agreements existed between state and witnesses, and that agreements were limited to bringing their cooperation to attention of judicial authority posttrial was clearly erroneous; whether evidence supported habeas court's finding that state disclosed agreements; claim that state improperly failed to disclose impeachment evidence relating to how it had assisted in reducing bonds for witnesses; claim that state violated petitioner's rights to due process and fair trial when, during criminal trial, it knowingly presented, and failed to correct, false testimony of witnesses; whether state was required to correct allegedly false testimony of witnesses where petitioner failed to prove existence of undisclosed agreement or understanding; whether habeas court properly concluded that petitioner was not denied effective assistance of counsel as result of alleged failure of trial counsel to adequately cross-examine witnesses regarding their alleged agreements or understandings with state; whether petitioner failed to prove that he was prejudiced by trial counsel's allegedly deficient performance.	
Horvath v. Hartford	504
Summary judgment; alleged violation of state whistle-blower statute (§ 31-51m); whether trial court properly granted motion for summary judgment; reviewability of claim, raised for first time on appeal, that defendant's actions amounted to retaliatory penalty and discipline for plaintiff's having reported alleged abuses of authority; whether plaintiff's claims were limited to those alleged in complaint; whether there was genuine issue of material fact as to whether plaintiff was constructively discharged as result of whistle-blowing actions in violation of § 31-51m.	
Housing Authority v. Rodriguez	120
Summary process; motion to dismiss; claim that the trial court lacked subject matter jurisdiction because plaintiff failed to provide defendant tenant with pretermination notice as required by statute (§ 47a-15) prior to serving notice to quit; whether pretermination notice served four months prior to service of notice to quit was valid where, pursuant to § 47a-15, substantially same act or omission for which notice to quit was given recurred within six months; whether plaintiff could terminate agreement without serving second pretermination notice; claim that informal meeting with plaintiff's director conclusively resolved question of whether plaintiff could evict defendant on basis of first pretermination notice such that second notice was required pursuant to certain federal regulations.	990
In re Damian G	220
Termination of parental rights; whether trial court's finding that respondent mother failed to achieve sufficient degree of personal rehabilitation as would encourage belief that, at some future date, she could assume responsible position in lives of her children was clearly erroneous; whether trial court reasonably could have found from evidence that mother had not gained insight regarding issues of domestic violence; whether evidence supported court's findings that it was not clear whether mother had, or could maintain, adequate or sufficient income or housing; whether there was ample evidentiary basis to support court's finding, by clear and convincing evidence, that mother's level of rehabilitation fell short and that children's need for permanency and stability ultimately should prevail; whether evidence supported trial court's finding that extent of deficiencies that continued to exist at time of trial reflected that mother was unable to benefit from continued parenting education; whether isolated error of trial court in its	
assessment of mother's insights into issues of domestic violence undermined	

 $court's \ findings \ as \ whole; \ claim \ that \ because \ several \ of \ trial \ court's \ subordinate$

factual findings in dispositional phase of proceeding were clearly erroneous, court's finding that termination of mother's parental rights was in best interests of children could not stand; whether mother demonstrated that any of trial court's factual findings were clearly erroneous.	
In re Jacob W	195
James v. Blackburn (Memorandum Decision)	901
Kellman v. Commissioner of Correction	63
Kent v. DiPaola	424
Law Offices of Frank N. Peluso, P.C. v. Cotrone	415

Lawrence v. Dept. of Energy & Environmental Protection	615
trial court's memorandum of decision as proper statement of facts and applicable	
law on issues. Lebron v. Commissioner of Correction	299
guilty plea. Meier v. Meier (Memorandum Decision)	903 266
O'Brien v. New Haven. Indemnification; action by plaintiff former municipal employee seeking indemnification against defendant municipality pursuant to statute (§ 7-101a); claim that indemnification action brought in 2015 was untimely because underlying tortious conduct occurred in 2010 and § 7-101a (d) required employee to give notice to defendant within six months of when "cause of action has accrued" and within two years of when the "cause of action therefor arose"; whether cause of action for indemnification accrued when plaintiff first could have successfully held defendant liable for expenses that incurred in underlying action, which could not have occurred until the underlying action was resolved in plaintiff's favor; whether plaintiff's notice and action filed within six months of date that underlying action was resolved were timely pursuant to § 7-101a (d); claim that § 7-101a authorized reimbursement of plaintiff's expenses incurred prosecuting present indemnification action against defendant.	469
Picard v. Guilford House, LLC	134
Rockwell v. Rockwell	373

whether record contained undisputed facts known by defendant attorney when breach of contract action was instituted on which reasonable attorney familiar with Connecticut law would have believed that lawful grounds for prosecuting	
that action existed.	
Rosenthal v. Bloomfield	258
Breach of contract; claim that trial court erred in granting motion for judgment of	
dismissal pursuant to applicable rule of practice (§ 15-8); whether evidence	
submitted set forth prima facie case of breach of contract; whether plaintiffs	
demonstrated, in accordance with Poole v. Waterbury (266 Conn. 68), that insur-	
ance benefits under new health insurance plan in employment agreement were	
not substantially commensurate to benefits under prior plan when viewing group	
of plaintiffs as whole.	
Samakaab v. Dept. of Social Services	52
Employment discrimination; claim that defendant discriminated against plaintiff	
on basis of age, sex, national origin and prior opposition to unlawful employment	
practices in violation of Connecticut Fair Employment Practices Act (§ 46a-51	
et seq.); whether trial court properly determined that insufficient facts were	
presented to support prima facie case of discrimination or retaliation; adoption	
of trial court's memorandum of decision as proper statement of facts and applica-	
ble law on issues.	00
Sovereign Bank v. Licata	82
Foreclosure; mootness; appellate jurisdiction; whether this court lacked subject mat-	
ter jurisdiction and appeal was moot because defendant's interest in property	
had been extinguished after law days passed; whether there was any practical relief that could be afforded to defendant; whether foreclosure judgment had been	
stayed by appeal from counterclaim; whether initial appellate stay of execution	
that arose when foreclosure judgment was rendered expired after appeal period	
for that judgment had run; whether there was appellate stay in effect with respect	
to foreclosure judgment when law days began to run; whether absolute title to	
property transferred to plaintiff as matter of law after all law days expired;	
whether final judgment disposing of counterclaim is separate and distinct from	
judgment on associated complaint; whether foreclosure judgment gave rise to	
distinct appeal period and appellate stay that was not affected by stay that resulted	
due to appeal from judgment on counterclaim.	
State v. Bialowas	179
Manslaughter in second degree; evasion of responsibility in operation of motor	1.0
vehicle in violation of statute ([Rev. to 2009] § 14-224 [a]); claim that trial court	
committed plain error by failing to instruct jury sua sponte that defendant's	
reasonable fear of harm from victim would be possible defense to charge pursuant	
to § 14-224 (a); whether defendant's claim involved error so obvious that it	
affected fairness of or public confidence in judicial proceeding; whether defendant	
demonstrated failure to instruct was so harmful or prejudicial that it resulted	
in manifest injustice necessitating reversal.	
State v. Davis	324
Accessory to murder; conspiracy to commit murder; attempt to commit murder;	
claim that trial court committed plain error by improperly instructing jury on	
accessory to murder that state did not need to prove that defendant had specific	
intent to kill; whether trial court properly instructed jury that it did not have to	
find that defendant had specific intent to kill particular victim in order to find	
defendant guilty of murder as accessory.	
State v. Eddie N. C	147
Risk of injury to child; sexual assault in first degree; whether trial court abused its	
discretion by admitting, under applicable rule of evidence (§ 4-5 [b]), prior	
uncharged sexual misconduct evidence; claim that prior uncharged sexual mis-	
conduct evidence was too remote in time to be admissible in light of twelve	
year gap between uncharged and charged sexual misconduct; whether uncharged	
sexual misconduct evidence was sufficiently similar to conduct with which	
defendant was charged; whether victim of prior uncharged sexual misconduct	
was sufficiently similar to victim in present case; whether trial court abused its	
discretion by admitting victim's statements to her mother and to health care	
providers pursuant to exception in rule against hearsay for statements reasonably	
pertinent to obtaining medical diagnosis or treatment; harmless error; unpre- served claim that trial court committed plain error by admitting opinions of	
medical providers that victim had been sexually assaulted; unpreserved claim	
that medical providers' improper vouching for victim's credibility constituted	

plain error; whether any evidentiary impropriety resulted in manifest injustice requiring reversal of judgment.	
State v. Fowler. Revocation of probation; whether trial court's finding that defendant violated conditions of probation by failing to keep probation officers informed of whereabouts and failing to provide probation officers with valid and verifiable address was clearly erroneous; claim that office of probation did not have authority to require defendant to submit to global positioning system monitoring; whether defendant's refusal to submit to monitoring constituted violation of conditions of probation; reviewability of claim that trial court erred in denying oral motion to dismiss; failure to brief claim adequately.	332
State v. Fuller	575
Conspiracy to steal firearm; conspiracy to commit larceny in fourth degree; conspiracy to commit burglary in third degree; illegal manufacture, distribution, sale, prescription or administration of narcotics by person who is not drug-dependent; illegal manufacture, distribution, sale, prescription or administration of narcotics by person who is not drug-dependent within 1500 feet of public elementary school; conspiracy to commit illegal manufacture, distribution, sale, prescription or administration of narcotics by person who is not drug-dependent; criminal possession of firearm; reviewability of claim that trial court violated defendant's constitutional rights to counsel, fair trial and due process in denying requests to personally possess copy of discovery items disclosed by state; whether unpreserved claim that trial court improperly denied requests for defendant to personally possess discovery items was of constitutional magnitude; whether criminal defendant has general constitutional right to discovery; whether trial court abused its discretion in denying discovery requests for defendant to personally possess copy of discovery items disclosed by state.	
State v. Garcia	557
Writ of error; bail; whether trial court applied correct legal standard in ruling on motion by bail bonds company that sought discharge from its obligation under bond executed to obtain release of criminal defendant from custody pending trial; whether bail bonds company established good cause pursuant to applicable rule of practice (§ 38-23) to be relieved of obligation on bond; whether criminal defendant's immigration status constituted act of law sufficient to relieve bail bonds company from obligation for good cause shown; claim that promise by state of Connecticut to seek to extradite criminal defendant after he absconded was relevant to court's determination of whether bail bonds company had demonstrated good cause to discharge its obligation.	991
State v. Gill	43
Murder; sufficiency of evidence; claim that state presented insufficient evidence to prove that defendant intended to cause victim's death; consciousness of guilt evidence.	
State v. Jackson	16
Murder; claim that trial court committed plain error in failing to give special accomplice credibility instruction regarding testimony of two witnesses; whether defendant failed to establish indisputable instructional error on part of trial court that was so clear and obvious as to require extraordinary remedy of reversal, as required under first prong of plain error doctrine; whether claim failed second prong of plain error doctrine because it did not result in manifest injustice; whether jury was presumed to have followed trial court's instructions.	
State v. Johnson	490
Robbery in second degree; conspiracy to commit robbery in second degree; sufficiency of evidence; plain error doctrine; claim that there was insufficient evidence to sustain conviction because it was based on uncorroborated accomplice testimony; whether this court was bound by Supreme Court precedent on issue of uncorroborated accomplice testimony; whether defendant could prevail under plain error doctrine on unpreserved claim that trial court improperly failed to provide adequate cautionary instruction to jury regarding dangers of relying on uncorroborated accomplice testimony; whether trial court abused its discretion in admitting into evidence certain witness' statement to police; whether statement satisfied personal knowledge requirement under State v. Whelan (200 Conn. 743).	
State v. Manning (Memorandum Decision)	902
Murder; reviewability of claim that defendant was harmed by trial court's improper exclusion from evidence of video interview of vitness who was unavailable to	104

testify where claim was raised for first time in reply brief; claim that harm resulting from court's allegedly erroneous ruling was implicit in defendant's principal brief such that defendant did not need to brief and analyze harmfulness of ruling in principal brief.	
State v. Petitt	443
State v. Ramos	400
State v. Stallworth (Memorandum Decision)	901
State v. Torres	29
State v. Wade	459
State v. Walker	345
Stephen J. R. v. Commissioner of Correction	1
Tara S. v. Charles J	547

Toma v. Ceesay (Memorandum Decision)	902
Weaving v . Commissioner of Correction	658
Habeas corpus; whether habeas court abused its discretion in denying petition for	
certification to appeal; claim that trial counsel provided ineffective assistance	
by failing to present testimony from accident reconstruction expert; claim that	
prior habeas counsel rendered ineffective assistance by failing to advance claim	
that trial counsel was ineffective in failing to present testimony from accident	
reconstruction expert.	
Williams v. Commissioner of Correction (Memorandum Decision)	902